

Remarks/Arguments

Reconsideration of this application is respectfully requested.

Claim Status

Claims 1-14 were originally presented in this application. Claims 15-18 were added by a preliminary amendment submitted on February 6, 2004. By this amendment, claims 19-27 are added, and claim 2 is canceled. Accordingly, after this amendment, claims 1 and 3-27 are pending.

Claim Rejections – 35 USC 112

Claims 6, 9 and 10 stand rejected under 35 USC 112, second paragraph, on the grounds that the word “comprising” renders the claims vague and indefinite. Applicant has deleted the word “comprising” and replaced it with –consisting of–. Accordingly, applicant submits that claims 6, 9 and 10 are now in compliance with 35 USC 112.

Claim Rejections 35 USC 102

Claims 1-3 and 6-10 stand rejected under 35 USC 102(e) as anticipated by United States Patent Application Publication No. US 2002/0145626 A1 to Richards et al. (“Richards”). Claim 1, as amended, recites features clearly not disclosed or suggested by Richards. Accordingly, Richards cannot anticipate claim 1 or claims 2, 3 and 6-10 dependent thereon. Additionally, as will be described, the dependent claims recite additional features not shown or suggested by Richards, and hence are allowable independently of base claim 1.

Richards

Richards is directed to interactive software for identifying and providing guidance on an individual’s social and professional networking resources and capabilities. The software is described primarily in the context of a user’s network of contacts in the workplace [0029].

The user first completes registration information such as “personal details, professional qualifications, goals, objectives”. The user may be helped in this process by an “animated ‘talking head’ virtual coach” [0031]. This information is used to define a central “Netsphere” that identifies the user. The user then places other spheres around his/her NetSphere corresponding to the people who they associate with to do their jobs. Formal organizational structure may be indicated by placing contacts above or below the user’s NetSphere. Important customers and suppliers may be identified by 3-D diamonds and cubes. Contact spheres are connected to the user’s NetSphere by lines whose type (i.e., double lines, single line or dotted lines) indicates the importance of the relationship to the user [0032]. Next, the characteristics of the relationship between the user and

network contacts are defined. Characteristics may include “the level of mutuality and reciprocity of the relationship, the predictability of the relationship, the level of trust and the ability for each individual to express themselves” [0033].

When the data acquisition phase is complete, the user receives a 3-D display of the relationship of each network contact to themselves and of each network contact to each other. Each network contact occupies a space dependent on the data entered by the user. Examples of such “NetSpaces” include “the knowledge space, the emotional space, or the development space” [0034]. “In another embodiment, the user may provide an over-arching objective of what their network should provide, and the ‘talking head’ virtual coach may provide an assessment of how close they are to achieving that objective, and what actions they may take to move them closer to achieving it” [0035].

The present invention

The present invention, in contrast to Richards, is a robust, step-by-step approach to eliciting information from a user to develop an action plan or decision on a particular issue. For the possible outcomes of a decision, the user is asked to identify all influence factors on that outcome, as well as creative solutions for positively affecting those influence factors. Quantitative rankings of the importance of the influence factors and of the importance of affecting the influence factors are obtained, as well as the risk and willingness involved in affecting the influence factors. Based on this information, the system may iteratively “drill down” to elicit further creative solutions until the risk-to-importance ratio is acceptable. Finally, an action plan including the user’s own input of influence factors, creative solutions and risk reduction actions, prioritized by the quantitative rankings entered by the user, is generated and displayed.

Claim 1

Claim 1, as amended, recites user input comprising the user’s goal, possible outcomes, influence factors on the possible outcomes, *the weight of the influence factors on the possible outcomes, creative solutions for positively affecting the influence factors and the weight of affecting the influence factors*. The Action apparently considers Richards’ recitation of “registration information” such as “personal details, professional qualifications, goals, objectives” to correspond to the recitation of the user’s goal and possible outcomes, and considers the other spheres corresponding to people with whom the user associates to correspond to the recitation of influence factors.

The additional user input limitation “the weight of the influence factors on the possible outcomes” was added to claim 1 from dependent claim 3. While the Action is silent in its discussion of claim 3 as to how Richards corresponds to this limitation, the Examiner might argue that Richards’ teaching of the use of particular line types to denote the importance of relationships corresponds to the weight of the influence factors on possible outcomes. Applicant would disagree with such an attempted correlation. The only disclosure in Richards that arguably corresponds to applicant’s recitation of “possible outcomes” is Richards’ recitation of “goals and objectives”, and the only disclosure in Richards that arguably corresponds to applicant’s recitation of “influence factors” on those outcomes is Richards’ recitation of spheres corresponding to the user’s work associates. Accordingly, in order to anticipate applicant’s recitation of the weight of those influence factors on the outcome, Richards must teach that his spheres are in some way weighted by the user to indicate their impact on the user’s goal or objective. This is not the case. The user simply uses varying types of lines to indicate the importance of his/her relationship with various work associates, and does not provide input directly indicative of the weight those work associates carry in the achievement of the user’s goal or objective.

More importantly, applicant has also added the limitation “creative solutions for positively affecting the influence factors and the weight of affecting the influence factors” to claim 1. This is a key feature of applicant’s invention, and is reflective of its nature to force the user to think deeply and logically about each influence factor or obstacle he/she is trying to overcome and creative ideas for overcoming those obstacles. In Richards, there is absolutely no discussion of requiring the user to think of creative ideas for affecting his/her influence factors (i.e., his/her network of contacts). To the contrary, the user simply characterizes his/her relationships with various contacts, and then the Richards software provides a 3-D representation of the user’s network, and may also provide an analysis of the network, identification of issues and conflicts, and creation of an action plan. Conversely, in applicant’s invention, the user himself must think of creative solutions, i.e., the user is actually creating his/her own action plan at the prompting of the inventive system. Finally, as Richards provides no disclosure of obtaining creative solutions for affecting the influence factors, it follows that there is also no disclosure of obtaining the weight of affecting the influence factors. This limitation was formerly a part of dependent claim 3 and, in its discussion of claim 3, the Action provided no guidance as to how the limitation was met by Richards.

Finally, to further clarify the distinction of claim 1 over Richards, applicant has added the requirement that the action plan is generated using a methodology based on the weight of the influence factors and the weight of affecting the influence factors. On this point, applicant first notes that while Richards suggests that its system creates an action plan for the user, it provides no guidance as to how and by what methodology such an action plan is created. Applicant, conversely, provides a specific methodology based on the weights as recited. Secondly, as set forth above, since Richards does not even disclose the use of such weights, it certainly cannot disclose a methodology using those weights to generate an action plan.

Claims 2, 3 and 6-10

Dependent claim 2 is canceled, without prejudice, in view of the amendments to claim 1.

Dependent claim 3 contains numerous additional limitations that are simply not disclosed by Richards and, moreover, the Action provides no explanation as to how these limitations are met (see page 9 of the Action). As claim 3 is rejected as anticipated by Richards, Richards must clearly teach each and every limitation of claim 3. Claim 3, for example, recites “the risk of affecting the influence factor” and “the willingness to take the risk”. As discussed with respect to claim 1, Richards does not seek to obtain from the user ways of affecting the influence factor, much less the risks of such action and the user’s willingness to take such action. Claim 3 also requires a statement from the user of “the timeframe under which the influence factor operates”. Again, there is no such disclosure in Richards nor an attempt in the Action to identify such a disclosure.

Dependent claims 6-10 depend from claim 1, and are therefore allowable for the same reasons as set forth with respect to claim 1.

Claim Rejections – 35 USC 103

Claims 4, 5 and 11-14 are rejected under 35 USC 103 as obvious over Richards in view of United States patent 5,873,071 to Ferstenberg et al. (“Ferstenberg”). For the reasons set forth above with respect to Richards, as well as the reasons set forth below with respect to Ferstenberg, applicant respectfully traverses these rejections.

Ferstenberg

The cited portions of Ferstenberg discuss a system for facilitating exchange of financial commodities by the use of “e-agents”. In particular, “the participant generally instructs its e-agent to substantially maximize preferences or expected return while substantially minimizing risks associated with these preferences” (col. 24, lines 58-60). The Action also references a portion of

Ferstenberg (col. 34, lines 1-23) discussing the assignment of fairness **weights** to e-agents to result in allocations satisfactory to all participants. While these bold-faced terms may appear in applicant's claims, applicant submits that they have been taken out of context and that their application in Ferstenberg is in no way related to the recitations of applicant's claims.

Claims 4 and 5

First, the discussion above of claim 1 is equally applicable to dependent claims 4 and 5. Ferstenberg does not cure Richards' failure to teach applicants recited creative solutions, weights of affecting influence factors, methodology using the weights, and so on.

Ferstenberg also fails to teach or suggest the added limitations of claims 4 and 5. Claim 4 recites further user input in the form of risk reduction actions to reduce the risk associated with the influence factors, as well as the weight of acting to reduce the risk. Ferstenberg, conversely, simply states that e-agents are instructed to maximize return and minimize risk. This has nothing to do with applicant's recited risk reduction actions and, in any event, the Action makes no attempt to explain how one would be motivated to combine the "influence factors" of Richards with the financial system of Ferstenberg. Applicant submits that the word "risk", as it appears in Ferstenberg, has been taken out of context and that the teachings of Ferstenberg bear no relation to applicant's invention or claim recitations. The same situation exists with respect to claim 5. Ferstenberg discloses the use of "fairness weights" to ensure fair allocations between participants. Applicant's claim 5, conversely, recites weighted and prioritized influence factors, creative solutions and risk reduction actions. Richards and Ferstenberg, taken together, do not teach anything resembling the elicitation of creative solutions for overcoming influence factors, actions to reduce the risk of overcoming those influence factors, and generation of an action plan showing those creative solutions and risk reduction actions in a weighted and prioritized fashion.

Claim 11

Independent claim 11, as amended, introduces another important concept of applicant's invention: reduction of risk by iteratively querying the user for additional creative solutions (risk reduction actions) when the level of risk is too high relative to the importance of the influence factor. This "drill down" approach forces the user to completely and thoroughly search his mind for the best and most effective way of overcoming his obstacles (influence factors) and achieving his goal. Richards and Ferstenberg do not even teach obtaining creative solutions from the user, and certainly do not teach requiring the user to provide alternate solutions when the risk of the initially offered

solution is too high. Dependent claim 12, in addition to being allowable for this reason, contains many of the same limitations discussed with respect to claim 3 above, and hence is allowable for those reasons as well. Dependent claim 13 is similarly allowable

Claim 14

Independent claim 14 recites, in pertinent part, obtaining the weights of the influence factors on the outcomes and the risk of affecting those influence factors, and a methodology that is based on those weights and risks. As extensively discussed above, neither Richards nor Ferstenberg discloses obtaining such input or basing a methodology on that input to generate an action plan.

Claims 15-27

Claims 15-18 were added by a preliminary amendment that was not considered in the Action. Claims 19-27 are added by this amendment. Each of these claims contains subject matter neither shown nor suggested by Richards or Ferstenberg.

Independent claim 15 is directed to the concept of iterative elicitation of creative solutions until an acceptably low difficulty-to-importance ratio is obtained, and also recites a methodology based on rankings of the importance of the influence factors and the importance and difficulty of affecting the influence factors. Claims 16 and 17 depend from claim 15.

Independent claim 18 is directed to the feature of obtaining a quantitative ranking of the weight of the influence factors and using that quantitative ranking in a methodology to generate the action plan. Neither Richards nor Ferstenberg teach or suggest such use of quantitative rankings.

Dependent claims 19-24 depend from various of claims 11-18, and recite additional details on the methodology, iterative risk reduction and use of quantitative rankings.

Independent claim 25 is directed to the concepts of quantitative rankings of influence factors and creative solutions and generation of an action plan based on these rankings. Claims 26-27 depend from claim 25.

Conclusion

Applicant believes all claims to now be in allowable form, and respectfully requests allowance of this application at the Examiner's earliest convenience.

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Respectfully submitted,
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